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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,633	06/28/2001	Randal F. Templeton	219.40067X00 (ATSK)	4474
7590	06/08/2006		EXAMINER	
Kenyon & Kenyon 1500 K Street, N.W. Suite 700 Washington, DC 20005-1257			SAIN, GAUTAM	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/892,633	TEMPLETON ET AL.	
	Examiner	Art Unit	
	Gautam Sain	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1) This is a Nonfinal rejection in response to Amendments/Remarks filed on 5/2/2006 and Amendments/Remarks filed after final rejection on 12/2/2005.
- 2) Claims 1-18 remain in the application. Claims 1, 7, 10, 13 and 16 have been amended and rejected.
- 3) Effective filing date is 6/28/2001.

Continued Examination Under 37 CFR 1.114

- 4) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 12/02/2005 and 5/2/2006 has been entered.

Claim Rejections - 35 USC § 103

- 5) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5-1) Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al (US 6605120, filed Dec 1998) in view of Bernardo et al (US 6684369, filed Jun 19, 1998).

Regarding independent claims 13 and 16, Fields teaches the amended limitation of *receiving an incoming XML data element from a source web page; parsing the incoming XML data element based on the delimiters to determine the source web page, a destination web page, and [data to be received] by the destination web page.* Fields discloses Formatting and reuse of web based content by extracting web content for a web page wherein the extracted content is used in a recast web page that is produced as an effort to revise a web site, a web page is parsed to identify a set of selectable content elements, where selected content elements are extracted from a retrieved web page and reused in the recast web page (col 2, line 67 – col 3, line 15).

Fields teaches creating a pretoken from the data in the incoming XML data element (ie., web page retrieved ... XML tag is identified)(col 17, lines 45-64).

Fields teaches concatenating the pretoken to a token to form a modified XML data element (ie., ... extracted and are used to assemble the recasted page)(col 17, lines 45-64).

Fields does not expressly teach the amended limitation of *displaying the modified XML data element using a web browser, said modified XML data element including a template for the destination web page*, but Bernardo does teach it. Bernardo discloses web site creator using templates that contains a plurality of pre-stored templates and the tool generates customized web sites (col 2, lines 49-60) and personalized web

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pages, where the user may divide a page into one or more frames with various objects in each frame including URL links to another web page, and later the tool constructs a page from the modified stored templates (col 10, lines 34-52; col 13, lines 1-10).

Fields does not expressly teach *data to be received by the destination web page*, but Bernardo does teach it. Bernardo discloses the tool uses the templates and user supplied data to create the web pages that make up a Web site (col 2, lines 55-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include generating customized web sites and personalized web pages, where the user may divide a page into one or more frames with various objects in each frame including URL links to another web page, and later the tool constructs a page from the modified stored templates and using the data supplied to create the web pages that make up a web site as taught by Bernardo, providing the benefit of simplifying the creation of web sites using identified pre-stored templates to generate customized web sites (Bernardo, Abstract section) for XML documents (Fields, col 12, lines 22-37).

Regarding claims 14 and 17, Fields teaches “incoming XML data ... existing web page” (ie., web retrieved ... recast page)(col 17, lines 44-55).

Regarding claims 15 and 18, Fields teaches “modified XML ... displayed” (ie., XML ... recast web page ... to request client)(col 17, lines 44-60).

5-2) Claims 1- 3, 5-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al (as cited above), in view of Davis et al (US 2002/0133516, filed Dec 22, 2000), further in view of Bernardo et al (US 6684369, filed Jun 1998).

Regarding independent claim 1, Fields teaches a *console engine to receive requests for web pages and messages to be sent to web pages*. Fields discloses in automated means for formatting and reusing web-based content, where the hosting site makes a request for a web page, using the pass-through web site, which serves as the host to receive requests from clients for a given web page with a HTTP request from the resident browser for providing a page using the pass through mechanism (col 4, lines 55-66) and for the client's purpose, the hosting site makes a request (in order to service the client's request) which includes header data that is first to be transmitted in response (col 15, lines 45-60). The examiner interprets header data as equivalent to messages because the examiner interprets a message as data that passes amongst web pages (as described in applicant's specification, paragraph 4, middle). Field's header data includes "last modified", "content length" and "content type" (col 5, lines 50-52).

Fields does not expressly teach, but Davis teaches an *XML repository* (ie., XML repository)(para 251).

Fields teaches *connected to the console engine having a plurality of parts of web pages and a plurality of HTML/XML templates, wherein the console engine is to extract a template for a web page from one of said requests and said console engine is to*

retrieve at least one application handler, said retrieved application handler being registered to said extracted template and said application handler [...]. Fields discloses extracting web content of a web page that makes a request of the web page, which is an HTML file with references to other files (ie., .gif, JPEG), with the user of Cascadig style sheets and java applets, and then recasted into a new web page with HTML template requests of a web page refreshed with different advertising and banners with web page generated from the template (col 4, line 55 – col 5, line 33)

Fields does not expressly teach to *modify said template and to generate a part of said requested web page and incorporate that part into the template to form the web page*, but Bernardo does teach it. Bernardo discloses web site creator using templates that contains a plurality of pre-stored templates and the tool generates customized web sites (col 2, lines 49-60) and personalized web pages, where the user may divide a page into one or more frames with various objects in each frame including URL links to another web page, and later the tool constructs a page from the modified stored templates (col 10, lines 34-52; col 13, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository for XML documents and templates as taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (Davis, para 55), as well as XML support for reusablility of content (Davis, para 54, 56), further to include generating customized web sites and personalized web pages, where the user may divide a page into one or more frames with various objects in each frame including URL

links to another web page, and later the tool constructs a page from the modified stored templates and using the data supplied to create the web pages that make up a web site as taught by Bernardo, providing the benefit of simplifying the creation of web sites using identified pre-stored templates to generate customized web sites (Bernardo, Abstract section) for XML documents (Fields, col 12, lines 22-37).

Regarding claim 2, Fields teaches “web browser ... web page” (ie., client browser showing the page requested, the recasted web page as sent from the hosting site)(col 6, lines 40-49).

Regarding claim 3, Fields does not teach, but Davis teaches “XML repository ... web pages, ... templates ... handlers” (ie., XML repository ... XML documents)(para 251)(ie., set of document templates)(para 287)(ie., DTDs)(para 286-287).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository for XML documents and templates as taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (para 55), as well as XML support for reusability of content (para 54, 56).

Regarding claim 5, Fields teaches “console engine ... in the message” (ie., parsed for desired components of the page)(col 5, lines 15-20).

Fields teaches “the source web page ... message” (ie., parses the HTML source)(col 5, lines 15 – 17)(ie., new web page)(col 5, line 21)(ie., parsed to identify content)(col 3, lines 5 – 10).

Regarding claim 6, Fields teaches “console engine ... modified XML ... web browser” (ie., recasting web content presented on client browser)(col 12, lines 32 – 37).

Regarding independent claims 7 and 10, Fields teaches *receiving a request for a web page from a web browser at a console engine*. Fields discloses in automated means for formatting and reusing web-based content, where the hosting site makes a request for a web page, using the pass-through web site, which serves as the host to receive requests from clients for a given web page with a HTTP request from the resident browser for providing a page using the pass through mechanism (col 4, lines 55-66) and for the client’s purpose, the hosting site makes a request (in order to service the client’s request) which includes header data that is first to be transmitted in response (col 15, lines 45-60).

Fields does not expressly teach, but Davis teaches *an XML repository* (ie., XML repository)(para 251).

Fields does not expressly teach the amended limitation to *for a template for the web page and at least one application handler that is registered to modify the template* but Bernardo does teach it. Bernardo discloses web site creator using templates that contains a plurality of pre-stored templates and the tool generates customized web sites (col 2, lines 49-60) and personalized web pages, where the user may divide a page into one or more frames with various objects in each frame including URL links to another web page, and later the tool constructs a page from the modified stored templates (col 10, lines 34-52; col 13, lines 1-10).

Fields teaches the amended limitation of *executing the at least one application handler to generate a plurality of parts for the web page; combining the plurality of parts for the web page with the template to form the web page; and transmitting the web page to the web browser for display.* Fields discloses Formatting and reuse of web based content by extracting web content for a web page wherein the extracted content is used in a recast web page that is produced as an effort to revise a web site, a web page is parsed to identify a set of selectable content elements, where selected content elements are extracted from a retrieved web page and reused in the recast web page (col 2, line 67 – col 3, line 15). The extraction portion extracts various components on the web page and recasts the desired components (col 5, lines 13-20). The end user receives a page with graphic and navigation features from the hosting web site that has embedded article from publishers and advertisement s (ie., banners) served from the original publisher (col 5, lines 35-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository for XML documents and templates as taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (Davis, para 55), as well as XML support for reusability of content (Davis, para 54, 56), further to include generating customized web sites and personalized web pages, where the user may divide a page into one or more frames with various objects in each frame including URL links to another web page, and later the tool constructs a page from the modified stored templates and using the data supplied to create the web pages that make up a web site

as taught by Bernardo, providing the benefit of simplifying the creation of web sites using identified pre-stored templates to generate customized web sites (Bernardo, Abstract section) for XML documents (Fields, col 12, lines 22-37).

5-3) Claims 4, 8, 9, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fields et al (as cited above), in view of Davis et al (as cited above) and Bernardo et al (as cited above), further in view of Burich (US 20020069175, filed Dec 4, 2000).

Regarding claim 4, Fields in view of Davis and Bernardo does not expressly teach, but Burich teaches “console API” (para 30).

Fields teaches “... transmit the web page to a browser” (ie., publisher recasts the web page to the browser)(col 5, lines 12-33).

Fields does not expressly teach, but Davis teaches “an XML repository” (ie., XML repository ... XML documents)(para 251).

Fields teaches “console engine extracts ... application handler (ie., document templates ... recast into a new web page with HTML template requests of a web page refreshed with different advertising with web page generated from the template)(col 4, line 55 – col 5, line 33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields to include an XML repository for XML documents and templates as taught by Davis, providing the benefit of a means to produce form based pages to support reusable fragments and publish viewable pages (para 55), as well as XML support for reusability of content (para 54, 56), and further in view of Bernardo to

include an API as taught by Birch, providing the benefit of parsing data predefined in specification textual fields that is converted to XML documents (para 30).

Regarding claims 8 and 11, Fields in view of Davis and Bernardo does not expressly teach, but Burich teaches “web page ... API” (ie., API ; XML based documents extracted from central storage)(para 30, 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fields in view of Davis and Bernardo to include an API and XML based documents extracted from central storage as taught by Burich, providing the benefit of parsing data predefined in specification textual fields that is converted to XML documents (para 30).

Regarding claims 9 and 12, Fields teaches “converting the template ... by the browser” (ie., HTML template ... pieces recast into new web page ... presented at client browser)(col 5, lines 12 – 34).

Response to Arguments

Applicant's arguments filed 12/02/05 have been fully considered but they are not persuasive.

Regarding independent claim 13, **Applicant argues that the art reference Field, does not teach incoming XML data elements that is parsed to determine the destination web-page** (Remarks, page 7, top). The Examiner disagrees. Fields discloses formatting and reuse of web based content by extracting web content for a web page wherein the extracted content is used in a recast web page that is produced as an effort to revise a web site. Specifically, a web page is initially parsed to identify a

set of selectable content elements, where selected content elements are extracted from a retrieved web page and later reused in the recast web page (col 2, line 67 – col 3, line 15).

Applicant argues that the art reference Field, does not teach determining the destination web page from an incoming XML data element (Remarks, page 7, middle). Fields discloses formatting and reuse of web based content by extracting web content for a web page wherein the extracted content is used in a recast web page that is produced as an effort to revise a web site. Specifically, a web page is initially parsed to identify a set of selectable content elements, where selected content elements are extracted from a retrieved web page and later reused in the recast web page, where the parsed and extracted components are preserved because the system knows that they will be later processed for recast in another web page (col 2, line 67 – col 3, line 15). The examiner interprets the recast web page as the destination web page, because the system is preserving the components that it extracted in order to re-assemble them at a later time for a different rendering.

Regarding independent claim 1 (and claims 7 and 10), **Applicant argues that the references do not teach a console engine** (Remarks, page 8, bottom – page 9). The Examiner disagrees. The Applicant's specification does not expressly define a console engine, it uses the console engine in exemplary contexts. And consistent with the specification, the Examiner broadly interprets a console engine to include a processor that is used to generate a particular web page by accessing portions of web pages/components as well as HTML/XML templates (see specification, page 6, top).

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Consistent with this interpretation, the Examiner interprets Fields' disclosure of a pass through web site publisher as equivalent to the claimed console engine. Specifically, Fields discloses an automated means for formatting and reusing web-based content, where the hosting site makes a request for a web page, using the pass-through web site, which serves as the host to receive requests from clients for a given web page with a HTTP request from the resident browser for providing a page using the pass through mechanism (col 4, lines 55-66). Fields' pass through publisher retrieves HTML page source components and pieces of contents and recasts them into a new page by means of an HTML template, which is then sent to the browser (col 5, lines 15-30).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GS 6/1/6


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